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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,154	10/01/2003	Luigi Capodieci	H1788	8173
45305	7590	07/06/2005	EXAMINER	
RENNER, OTTO, BOISSELLE & SKLAR, LLP (AMDS)			LEVIN, NAUMB	
1621 EUCLID AVE - 19TH FLOOR				
CLEVELAND, OH 44115-2191			ART UNIT	PAPER NUMBER
			2825	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/677,154	CAPODIECI, LUIGI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Naum B. Levin	2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 October 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-22 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 01 October 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 13, line 15 replace "rather tan" with – rather than--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being unpatentable by Robles et al. (US Pub. No.: 2004/0005089).

3. As to claims 1 and 15 Robles discloses:

A method for making optical proximity corrections for a reticle layout topology, comprising:

a) manipulating edge segments of the reticle layout topology to generate a corrected reticle layout accounting for optical distortions ([0109]);  
b) generating a plurality of individual figure (histograms) of merit values associated with the corrected reticle layout ([0111]-[0122]); and

c) generating a generalized figure of merit (GFOM) (final cost function) using the plurality of individual figure of merit values ([0123]-[0128]);

A program embodied in computer readable medium to make optical proximity corrections for a reticle layout topology, comprising:

a) code that manipulates edge segments of the reticle layout topography to generate a corrected reticle layout accounting for optical distortions ([0100]; [0109];

Claim 26);

b) code that generates a plurality of individual figure of merit values associated with the corrected reticle layout ([0111]-[0122]); and

c) code that generates a generalized figure of merit (GFOM) using the plurality of individual figure of merit values ([0123]-[0128]).

4. As to claims 2-14 and 16-22 Robles recites:

(2), (4), (16), (18). The method/program, further comprising manipulating the edge segments of the corrected reticle layout in accordance with the GFOM to arrive at a second corrected reticle layout ([0133]- [0141]);

(3), (17) The method/program, further comprising generating a second plurality of individual figure of merit values associated with the second corrected reticle layout ([0143]-[0144]);

(5) The method according to claim 1, wherein an equation defining the GFOM is user definable ([0142]);

(6) The method according to claim 1, wherein at least one of the individual figure of merit values is user definable ([0130]-[0132]);

(7)- (11), (19) The method/program, wherein the individual figure of merit values are selected from edge placement error, image contrast, depth of focus, image slope, fragmentation complexity and combinations thereof ([0008]; [0116]; [0160]-[0161]; Claim 21);

(12), (20) The method/program, wherein the GFOM is a weighted sum of each individual figure of merit value ([0123]- [0128]);

(13), (21) The method/program, wherein a) to c) are iteratively carried out using the corrected reticle layout and the GFOM from the previous iteration ([0087]);

(14) The method/program, wherein a) to c) are carried out for a portion of the reticle layout topology defined by a logical window ([0063]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naum B. Levin whose telephone number is 571-272-1898. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Naum Levin

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